

Docket No. 38-21(52743)B

Listing of Claims - as submitted in a preliminarily amendment with the response to file missing parts

1. (Previously presented) A transgenic seed for growing a transgenic plant having in its genome recombinant DNA which expresses a transcription factor comprising the consensus amino acid sequence of SEQ ID NO:11 and protein which confers at least one of an herbicide resistance trait or a pest resistance trait.

2.-4 (Cancelled)

5. (Currently amended) Transgenic seed of claim 1 wherein said plant is a crop selected from the group consisting of a variety of maize, soybean, cotton, rice, wheat, canola and turfgrass.

6. (Previously presented) A plant grown from a seed of claim 1.

7. (Currently amended) A method for improving the yield of a crop plant variety as compared to said crop variety lacking recombinant DNA expressing a ~~G1073~~ transcription factor comprising the consensus amino acid sequence of SEQ ID NO:11 when said crop varieties are grown in a water deficient environment, said method comprising inserting into the genome of said variety recombinant DNA which expresses a transcription factor having consensus amino acid sequence of SEQ ID NO:11.

8. (Previously presented) A method of improving a hybrid crop plant by crossing a first crop with a second crop wherein pollen from said first crop contains recombinant DNA which expresses a transcription factor comprising the consensus amino acid sequence of SEQ ID NO:11

9. (Previously presented) A method of claim 8 wherein one of said crops comprises recombinant DNA which expresses a protein that confers at least one of an herbicide resistance trait or a pest resistance trait.

10. (Previously presented) A hybrid corn seed which is the progeny of

- (a) a transgenic female ancestor corn plant having in its genome a recombinant DNA which expresses a transcription factor comprising the consensus amino acid sequence of SEQ ID NO:11;
- (b) a transgenic male ancestor corn plant having in its genome a recombinant DNA which confers at least one of an herbicide resistance trait or a pest resistance trait.

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11. (Previously presented) A hybrid corn seed of claim 10 wherein said transgenic female ancestor corn plant further has in its genome recombinant DNA which confers herbicide resistance.
12. (Previously presented) A hybrid corn seed of claim 11 wherein said transgenic male ancestor corn plant has in its genome recombinant DNA which confers both herbicide resistance and insect resistance.
13. (Previously presented) A hybrid corn seed of claim 11 having resistance to at least one herbicide selected from the group consisting of a glyphosate herbicide, a phosphinothricin herbicide, an oxynil herbicide, an imidazolinone herbicide, a dinitroaniline herbicide, a pyridine herbicide, a sulfonyleurea herbicide, a bialaphos herbicide, a sulfonamide herbicide and a gluphosinate herbicide.